

MAKING A COMPLAINT AGAINST THE POLICE



WHAT COUNTS AS A COMPLAINT?

If you think that a police officer acted wrongly, you have the right to complain, whether or not you were personally affected by the action.

A complaint might be about any of the following:

- ◆ neglect of duty or poor service
- ◆ rude or disrespectful behaviour
- ◆ misuse of confidential information
- ◆ discrimination
- ◆ search, arrest or detention
- ◆ use of force

You can also complain if you think that a police policy is unwise, or that the level of service provided by the police is not satisfactory.

To find out about other legal remedies open to you, you can consult a lawyer.

Do not hesitate to complain, even if you are unsure whether your complaint is legitimate. It is the duty of police to respond to all complaints.

WHEN SHOULD I COMPLAIN?

As soon as possible—while your memory is fresh and any evidence is still available.

There are no time limits for complaints against the RCMP. However, a municipal police force can refuse to investigate a complaint made more than 12 months after the incident.

HOW DO I COMPLAIN?

You can make a complaint in writing, over the phone, or in person.

If you make an oral complaint, the police will fill out a complaint form with the details you give them. Check to be certain that the information written on the form is correct and complete before signing the form.

A letter of complaint is the most effective way to complain. Your letter should contain the information described (below) in this pamphlet.

If you want help in writing your letter of complaint, the BC Civil Liberties Association (BCCLA) may be able to assist you.

Assistance in translating a letter into English may be available from MOSAIC.

HOW DO I BEGIN MY LETTER?

If your complaint is against a municipal police force:

- ◆ Address your letter to the Chief Constable. Begin by stating that you

wish to make a complaint under the Police Act.

If your complaint is against the RCMP:

- ◆ Address your letter to the Commanding Officer of the RCMP detachment. Begin by stating that you wish to make a complaint under the RCMP Act

It is not necessary for you to be familiar with either of these Acts.

WHAT INFORMATION SHOULD I INCLUDE?

The second part of your letter should detail why you are complaining.

If your complaint is about a police policy or level of service:

- ◆ identify the policy or service issue that concerns you

If your complaint is about an incident of police conduct, describe the incident fully, including:

- ◆ the date, time and location of the incident
- ◆ exactly what happened, in the order in which it happened
- ◆ name(s) or badge number(s) of the officer(s) involved (if you know them), or a description of the officer(s)
- ◆ names, addresses and telephone numbers of any witnesses
- ◆ if you received medical treatment as a result of the incident, the name of the doctor who treated you, or the name of the medical clinic
- ◆ copies of any photographs taken of

injuries or damage sustained in the incident

Your letter of complaint may contain both conduct and policy issues or service issues.

CAN THE POLICE CHOOSE WHICH PARTS OF MY COMPLAINT TO INVESTIGATE?

The third part of your letter should state clearly which of the police actions or policies described above you want to complain about, and why you think they were wrong.

You should number each of these actions or policies, and state clearly that you want the police to respond to each one.

STATE THE RESPONSE YOU EXPECT

The fourth part of the letter should state what kind of response will satisfy you. This will of course depend on the nature of your complaint.

For example, you could ask for:

- ◆ explanations for a policy or level of service, or for police actions
- ◆ changes to a policy or level of service
- ◆ an apology, either from the officer(s) or from the police force
- ◆ counselling or further training for the officer(s) involved
- ◆ disciplinary action, such as a reprimand, suspension, demotion or firing
- ◆ criminal charges to be laid
- ◆ financial compensation

You may not know exactly what kind of a response you want. If so, simply ask for a “full and reasonable response”.

HOW DO I END THE LETTER?

Sign and date your letter, and include:

- ♦ your name and an address
- ♦ a telephone number at which you can be reached, or where a message can be left for you.

You should keep at least two copies of the letter.

HOW DO I SUBMIT MY LETTER?

A complaint against a municipal police force:

- ♦ can be delivered by hand, faxed or mailed to the municipal police department. (Municipal police departments are listed in the Blue Pages at the back of the telephone book.)
- ♦ or mailed/faxed/emailed/delivered to the **Office of the Police Complaint Commissioner**

A complaint against the RCMP:

- ♦ can be delivered by hand, faxed or mailed to the RCMP detachment. (Local detachments are listed under “Royal Canadian Mounted Police” in the telephone book)
- ♦ or mailed/faxed/emailed/delivered to the **RCMP Public Complaints Commission**

WHAT WILL HAPPEN?

Your complaint will be given to a senior police officer for investigation. You may be asked for more information, or to attend an interview, a mediation session, or a meeting at which the police will try to resolve your complaint informally.

The BCCLA can provide information about these procedures, and may also be able to attend an interview with you.

If an informal resolution or mediation is tried, but is not successful, the police will continue their investigation, and mail you a written, formal response to your complaint. Try to be patient—this could take several months.

CAN I APPEAL?

If you are not satisfied with the response, you can appeal the decision. The BCCLA can provide information about the appeal process. There are time limits, so you must act quickly. If the police refuse to investigate your complaint because it is too old, or because they view it as trivial or unbelievable, you will receive a letter saying so. You can appeal this decision. The BCCLA can help you with an appeal.

The **Office of the Police Complaint Commissioner** and the **Commission for Public Complaints against the RCMP** are civilian agencies whose job is to:

- ◆ receive complaints from the public,
- ◆ ensure that the police treat complainants fairly, and
- ◆ accept appeals from people who are not satisfied with the police response to their complaint

ADDRESS COMPLAINTS TO:

Office of the Police Complaint Commissioner
#501, 947 Fort Street
PO Box 9895, Stn Prov Govt
Victoria, BC V8W 9T8
Tel: 250.356.7458
Toll Free: 1.877.999.8707
Fax: 250.356.6503
Email: info@opcc.bc.ca
www.opcc.bc.ca

Commission for Public Complaints
Against the RCMP
PO Box 88689
Surrey, BC V3W 0X1
Tel: 604.501.4080
Fax: 604.501.4095
Toll Free: 1.800.665.6878
Email: org@cpc-cpp.gc.ca
www.cpc-cpp.gc.ca

FOR ASSISTANCE WITH ENGLISH

MOSAIC
1522 Commercial Drive
Vancouver, BC V5L 3Y2
Tel: 604.254.9626
Fax: 604.254.3932
Email: mosaicbc@mosaic.com
www.mosaicbc.com

FOR MORE INFORMATION

BC Civil Liberties Association
900 Helmcken Street, 2nd floor
Vancouver, BC V6Z 1B3
Tel: 604.687.2919
Fax: 604.687.3045
info@bccla.org
www.bccla.org